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190 U. S. 540. The United States Supreme Court, while admitting the existence of such a doctrine, held that it could not be applied in a case where the agreement was to perform something contrary to the law as declared by the Act of Congress and that it could not be made the ground of a successful suit. *Oscanyan v. Winchester Repeating Arms Co.*, 103 U. S. 261. Where the statute merely prohibits without imposing any penalty, as this statute did, there is a conflict of authority as to whether the contract is illegal and void for all purposes. Where the purpose can be accomplished without so holding, Massachusetts and New York hold that the contract is not void entirely. *Bowditch v. New England Mutual Life Insurance Co.*, 141 Mass. 292; *Taylor v. Bell & Bogart Soap Co.*, 45 N. Y. S. 939. The majority of courts however hold with the decision in this case that it is void. *Harris v. Rummels*, 12 How. 79; *U. S. Bank v. Owens*, 2 Pet. 527; *Kraemer v. Earl*, 91 Cal. 112; *Penn. v. Bornman*, 102 Ill. 523. In such cases, "there is a moral obligation on the part of all citizens to obey the law, and courts being organized under the law, it would seem an anomaly were they to sanction a violation of it."

CRIMINAL LAW—BURGLARY—BREAKING.—Defendant was indicted and convicted under the Ohio code for maliciously and forcibly breaking and entering a building in the night time. An instruction was given in effect as follows: If the jury found that the door was partly open and that, in order to effect an entrance, it was necessary to remove the post or brick placed against it to hold it in the position in which it was, and that such removal was made, this would constitute a forcible breaking. *Held*, that the instruction was correct. *Goins et al. v. State*, (Ohio 1914), 107 N. E. 335.

The Ohio court repudiates the doctrine that the further opening of a door or window already partly open is insufficient to constitute a breaking, as expressed obiter in *Timmons v. State*, 34 Ohio St. 426, and follows the modern trend of the decisions as exhibited in *Claiborne v. State*, 113 Tenn. 261; *People v. White*, 153 Mich. 617; *State v. Sorenson*, (Iowa, 1912), 138 N. W. 411, 11 MICH. L. REV. 320; *State v. La Point*, 87 Vt. 115, 12 MICH. L. REV. 231; to the effect that whether the door or window be partially open or not, it is a breaking if any force be necessary to make an entrance. The stricter rule rests upon the decision in *Rex v. Smith*, 1 Mood. C. C. 178, and would seem still to be the law in England. 9 LAWS OF ENG. 670. It has been followed to some extent in this country. *Com. v. Strupney*, 105 Mass. 588; *Rose v. Com.*, 19 Ky. Law Rep. 272. Certain cases, however, which have sometimes been cited in support of the latter doctrine do not go to that length (e. g., *State v. Wilson*, 1 N. J. L. 502; *May v. State*, 40 Fla. 426). It may be laid down now, contrary to the rule as expressed in some text-books, that the weight of authority in this country is clearly in favor of the holding in the principal case. The modern view is best supported by reason. As pointed out in *State v. La Point*, *supra*, it is an anomalous doctrine to say that where a door is partially open this is the folly of the owner, and the law will not undertake to protect by its penalties a man who is not diligent to protect himself. Logically followed such a theory should relieve a sneak-thief from punish-

ment if he enter through an open door, and exempt one from prosecution for larceny who takes fruit exposed by a grocer before his store. The state should not be estopped from prosecuting one person by the negligence of another. Again, as said by the court in the instant case, following *Claiborne v. State, supra*: "To hold that the opening of a door or window which is closed but not fastened is sufficient evidence of breaking, but that the further opening of a door or window partly open, in order to gain an entrance is not sufficient evidence, is a useless refinement." Nor is the theory of implied invitation a satisfactory answer to the reasoning of the modern authorities. 12 MICH. L. REV. 231.

DIVORCE—RECOGNITION OF FOREIGN DECREE.—Defendant married plaintiff in Connecticut, but later left her and went to South Dakota, where he resided for two years, and where he obtained a decree of divorce from plaintiff; she was never in South Dakota, and did not appear in the divorce proceedings, notice of which was personally served on her at her home in Connecticut, in accordance with the law of South Dakota. She now sues defendant for divorce in Connecticut, and insists that the South Dakota divorce pleaded by him should not be recognized by the Connecticut court. *Held*, that the South Dakota divorce should be recognized on the ground of comity. *Gildersleeve v. Gildersleeve* (Conn. 1914) 92 Atl. 684.

This decision adds Connecticut to the list of states which give effect to divorce decrees rendered by other states upon constructive service of process upon the non-resident defendant, in spite of the decision of *Haddock v. Haddock* (1906) 201 U. S. 562, 50 L. ed. 867, which held that such decrees are not entitled to full faith and credit under the United States Constitution. Indeed, New York seems to be the only state which absolutely refuses to give any effect to such a decree. Since *Haddock v. Haddock* there have been very few decisions in other states which have declined to recognize the validity of the judgment so obtained, and all of them seem to be distinguishable from *Haddock v. Haddock*. For instance in *Carling v. Carling*, 78 N. J. Eq. 42, the court refused recognition to a South Dakota divorce on the ground that the person obtaining it was not bona fide domiciled in South Dakota at the time; a like reason resulted in the refusal of recognition to the foreign decree in *Blondin v. Brooks*, 83 Vt. 472, and *Matthews v. Matthews*, 139 Ga. 123 (followed in the decision without opinion of *Solomon v. Solomon*, 140 Ga. 379). These decisions of course come under the general rule that foreign judgments can always be attacked for lack of jurisdiction—if the plaintiff is not domiciled in the state of the forum, there is no jurisdiction. In two other cases (*Toncray v. Toncray*, 123 Tenn. 476, and *Gooch v. Gooch*, 38 Okla. 300) the courts, while recognizing that the foreign decree dissolved the marriage, refused to admit that it affected the non-resident defendant's rights in property situated at her domicile; thus in the *Toncray* case the Tennessee court, while admitting that the marriage was dissolved by a Virginia divorce obtained by the husband, gave to the wife, who had continued to be domiciled in Tennessee, alimony out of the husband's lands in Tennessee; so in the *Gooch* case the Oklahoma court, while recognizing the dissolution of the